THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITIONo.25836 of 2005

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Dated: 06.12.2005

Between:

N. Raghunadha Reddy, S/o. N. Hanumanth Reddy,
Sri Kamisetty Subba Rao Chennamma Degree College,
Proddatur, Kadapa District.

..... PETITIONER

AND

The Government of A.P., rep. by its Principal Secretary to Higher Education, Secretariat, Hyderabad and others.

.....RESPONDENTS

ORDER:

The third respondent is an aided private degree college in Kadapa District. In the year 2001, a notification was issued by the college inviting applications for appointment to the post of Lecturer in Statistics. The post is said to have been admitted to grant-in-aid. The petitioner was one of the candidates and ultimately, he was issued an order of appointment on 20.02.2002. The petitioner states that he

joined the post on 21.02.2002.

According to the petitioner, the aided post of Lecturer in Physical Education fell vacant on 31.03.2002 on account of the retirement of the incumbent. On the ground that he holds the qualifications for that post also, the petitioner as well as the third respondent submitted proposals to the second respondent for absorption of the petitioner against the post of Lecturer in Physical Education. This writ petition is filed alleging that no action has been taken thereon.

Heard the learned counsel for the petitioner and the learned Government Pleader for Higher Education.

It is not in dispute that the petitioner came to be selected and appointed as lecturer in Statistics. If at all anything, the petitioner can have the claim for being regularized against the post of Lecturer in Statistics, if it is admitted to grant-in-aid. Simply because the petitioner hold the qualifications for the post of lecturer in Physical Education, and that post is vacant, the petitioner cannot be considered against it. The appointment to a particular post must be preceded by notification and consideration of the claims of all the persons who respond to it. An individual, who is appointed as lecturer in one subject cannot be treated as the one in another subject on the sole ground that he holds the qualifications for the other post also.

Till now the effort of the petitioner as well as the third respondent has been for absorption or regularization of the petitioner against the post of Lecturer in Physical Education. Since the petitioner was not selected or appointed against that post, his case cannot be considered. However, himself and the third respondent can pursue their claims in relation to the post of Lecturer in statistics, if such a post is vacant.

For the foregoing reasons, the writ petition is disposed of leaving it open to the petitioner and the third respondent to put forward their claims for absorption of the petitioner against the post of lecturer in statistics, if an aided vacancy in that subject is available. As and when such representations are received, respondents 1 and 2 shall consider the same and pass suitable orders in accordance with the Rules in vogue, at the relevant point of time. There shall be no order as to costs.

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06.12.2005

Note: Furnish C.C. in three days.

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